

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action mailed on April 14, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 6-8 and 11-17 are pending in this application.

In the Office Action, claims 1, 2 and 6-8 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Further, claims 1, 2 and 6-8 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite apparently under the same consideration as the rejection of claims 1, 2 and 6-8 under 35 U.S.C. §101, discussed above. The rejection of claims 1, 2 and 6-8 under 35 U.S.C. §112, first paragraph and under 35 U.S.C. §101 is respectfully traversed. It is respectfully submitted that claims 1, 2 and 6-8, as previously presented, were and still are fully enabled and definite.

However, to advance prosecution and expedite consideration and allowance of the present application, the claims are amended in an

attempt to address the concerns raised in the Office Action. No new matter has been added. By these amendments, claims 1-2 and 6-8 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

It is respectfully submitted that the specification makes clear distinction between "normal playing status (the status that the essential content of a optical disc is being played normally)" and "abnormal playing status [which includes pause status, copyright information status (some text information used by copyright warning) and director annotation (some explanatory words used by director annotation), and the like." It is respectfully submitted that it is proper that each Applicant may be "their own lexicographer" in defining terms utilized within a given patent or patent application. It is further submitted that the Applicants have sufficiently described the term "abnormal playing status" such that its meaning would be readily appreciated by a person of

ordinary skill in the art.

One skilled in the art would have no trouble understanding that the inventors, at the time of the application was filed, had possession of the claimed invention. It is respectfully submitted that it would be a trivial matter for a person skilled in the art to make and/or use the claimed invention defined by claims 1 and 6 in view of the specification. It is further respectfully submitted that the claims are definite. Accordingly, withdrawal of this rejection of claims 1, 2 and 6-8 under 35 U.S.C. §112, first paragraph, and under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1, 2 and 6-8 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,580,870 to Kanazawa (Kanazawa). These rejections are respectfully traversed. It is respectfully submitted that claims 1-2 and 6-8 are allowable over Kanazawa for at least the following reasons.

The Office Action contends that Kanazawa essentially teaches every element of claims 1 and 6. Applicants respectfully disagree with this characterization of Kanazawa with regard to the subject

matter of the claims.

Particularly, the Office Action on page 6 asserts that Kanazawa teaches "a detecting module for detecting whether the player is playing out essential content or whether playing out of essential content is currently interrupted, and sending a searching command when the playing out of essential content is detected to be currently interrupted (Kanazawa, col. 5 ln. 10-34, col. 6 ln. 54-60, col.8 ln. 10-20)."

This characterization of Kanazawa is respectfully traversed.

Kanazawa, Col. 5, lines 10-34 describes use of an information management table 40b (see, FIG. 2) for using Web servers. The information management table stores identification tables for identifying streams in the title information, access or link information and "information notice time (hereinafter, referred to as time information)". (See, Kanazawa, Col. 5, lines 23-25.) "The time information is used for display control (the start and end of display) of a Web mark (specific input information) indicating that resources are available in a specific piece of the stream information (scene) in the stream (in the first embodiment, Web

page, can be displayed)". (See, Kanazawa, Col. 5, lines 25-30.)

Kanazawa, Col. 6, lines 54-60 describes "[o]n the basis of the information management table 40b, the CPU 1 checks each stream unit to see if the WEB display related information has been added (step S4). Specifically, if the information management table 40b has included no WEB display related information, the CPU 1 continues a normal playback process without executing the resource use process (NO at step S4, and steps S5, S6, and S1)." (See, FIG. 5.) In other words, if no network based resource is indicated by the information management table for a portion of a DVD stream, normal playback is continued.

Kanazawa, Col. 8, lines 10-20 describes "[t]he CPU 1 connects to the Internet via the communication control section 5 and modem 6 and accesses the specified Web server on the basis of the access information 30 (step S44). As shown in the flowchart of FIG. 14, after the reproduction of the title information has been suspended, the modem is started and the CPU 1 is connected to the Web server (step S50 to S52). When the resource use process has been completed as described later, the reproduction of the title information is

resumed and the CPU 1 is disconnected from the Web server, which completes the connection with the network (steps S53 to S56)." In other words, Kanazawa teaches that after reproduction of title information is suspended, the Web server is accessed to access network resources. When access of the network resource is completed, reproduction of the title information is resumed.

While it is undisputed that Kanazawa does access network resources when reproduction of title information is suspended, however, Kanazawa makes no attempt to detect whether the player is in an abnormal playing status or is not in the abnormal playing status, nor is this features disclosed or suggested by the cited sections of Kanazawa, nor any sections of Kanazawa for that matter.

In fact, Kanazawa specifically teaches suspension of title information during access of network resources, thereby forcing "the occurrence of interruption or hiccup during the process of playing" (see, present application, page 8, lines 1-2), a process which the present application and recited claims is directed at avoiding.

In a Response to Arguments section of the Office Action

starting on page 6, the Office Action takes a position that since the system of Kanazawa, suspends reproduction of the title information to access a network resource, the system of Kanazawa "detects the suspension of the title information, hence, the system detects that playing of the essential content is interrupted."

This characterization of Kanazawa is respectfully traversed.

It does not logically follow that just because Kanazawa suspends reproduction of the title information to access a network resource, Kanazawa must necessarily detect the suspension of the title information.

In fact, Kanazawa causes exactly the kind of interruption of playing due to accessing a network resource, that the present application and recited claims are directed at avoiding.

As stated in the present application, "it is difficult to synchronize playing the downloaded information with playing the information stored on the optical disc. In addition, when the network bandwidth is not sufficient or the network speed is too slow, the process of information downloading becomes much slower, which likely leads to the result that the optical disc is not

played smoothly, even the case that playing is interrupted will occur ..." (See, Present Application, page 2, lines 5-10.)

Apparently, Kanazawa recognized this same problem and addresses this problem by purposefully suspending reproduction of the title information to access a network resource. However, the solution of Kanazawa leads to another problem in prior systems which apparently is not recognized by Kanazawa, namely that the forced interruption of playing as shown by Kanazawa, leads to "discounting the viewing interest of the user significantly." (See, Present Application, page 2, lines 10-11.)

It is for this reason, that the Present Application concludes that "[t]herefore, there is a need for an optical disc player and its playing method to avoid the above disadvantages." (See, Present Application, page 2, lines 12-13.)

The Office Action comes to the conclusion that "[t]his is no different from the conventional download-then-play method." (See, Office Action, page 9.) This position is respectfully refuted. The difference in the present system and that of Kanazawa, is that Kanazawa teaches necessarily suspending reproduction of the title



information to access a network resource, while the Present Application and corresponding claims avoids this interruption by downloading network accessed information prior to when it is needed to be played so that an interruption of playing is avoided.

It is respectfully submitted that the optical disc player of claim 1 is not anticipated or made obvious by the teachings of Kanazawa. For example, Kanazawa does not teach, disclose or suggest, an optical disc player that amongst other patentable elements, comprises (illustrative emphasis added) "a detecting module for detecting whether the player is in an abnormal playing status or not in the abnormal playing status, and sending a searching command in response to detecting the abnormal playing status; a searching module for searching a URL list stored on an optical disc in response to the search command to identify a URL in the URL list which provides a link to information which is required after the abnormal playing status ends, but which has not yet been downloaded; and a network management apparatus for accessing one or more URLs identified by the search module in response to detecting that the player is in the abnormal playing status, to download

information that is required while the player is playing and is not in the abnormal playing status, wherein content required when the abnormal playing ends is downloaded prior to the abnormal playing status ending such that playing is not interrupted" as recited in claim 1, and as similarly recited in claim 6.

In fact, as should be clear from Kanazawa, Kanazawa teaches purposefully interrupting playing.


Based on the foregoing, the Applicants respectfully submit that the optical disc player of claim 1 and the method of claim 6 is not anticipated or made obvious by the teachings of Kanazawa and an indication to that effect is respectfully requested. Claims 2, 7-8 and 11-17 respectively depend from one of claims 1 and 6 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response, and in particular, no Official

Notices are conceded. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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